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**New Jersey Bar and
Bar of U.S. Patent Office only

February 18, 2009

Via ECF

Honorable Roanne L. Mann
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: **Pensionsversicherungsanstalt v.
Estate of Rose Eisinger a/k/a Rose Weitz, et al
U.S. District Court, Eastern District of New York
Docket No. 07-5300**

Dear Magistrate Judge Mann:

This letter is written in response to the Court's Order of 2/13/09 (dkt. #60) to file a status report.

On January 6, 2009, defendants Sonja Rosenbaum and Phillip L. Greenblatt were deposed pursuant this Court's order.

On January 22, 2009, plaintiff filed and served its First Amended Complaint (dkt. #57). Count I alleges that Rosenbaum has been unjustly enriched by the pension overpayments which were made after Rose Eisinger's death. Count II alleges notarial misconduct by defendants Greenblatt and Robinson-Wray.

On February 11, 2009, defendant Greenblatt filed his answer and cross-claimed against defendants Sonja Rosenbaum and Robinson -Wray (dkt. # 59).

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On February 17, 2009, defendant Robinson-Wray filed her answer denying the material allegations of the complaint and cross-claimed against defendants Sonja Rosenbaum and Greenblatt (dkt. # 61).

On February 18, 2009, Defendant Sonja Rosenbaum filed her answer denying the material allegations of the complaint and re-asserted counterclaims. Plaintiff reserves its rights as to the timeliness of her pleading.

In line with your Honor's Endorsed Order dated September 17, 2008 (dkt. #45), on January 8, 2009, we advised the parties and the mediator, Eli Uncyk, Esq., that following joinder of issue on the amended pleadings, plaintiff intended to ask that mediation re-commence. In response, Lewis R. Silverman, Esq., counsel for Rosenbaum, demanded plaintiff's oral deposition and Thomas J. Mortati, Esq., counsel for Greenblatt concurred.

I replied on January 14, 2009, as follows:

Upon receipt of the deposition transcript we will amend the complaint. You have plaintiff's Rule 26 Initial Disclosure; its answers to the written questions propounded by plaintiff and to the cross questions of defendant Robinson-Wray (you failed to propound written cross-questions to plaintiff when you had the opportunity); its answers to defendant Greenblatt's interrogatories; its response to defendant Rosenbaum's document request. You also have the relevant documents showing the payment of the pension. We await Bank Austria's response to the Letters Rogatory. Since our client plainly does not have knowledge of any further pertinent facts, we are not prepared to produce it for oral deposition, at least prior to joinder of issue and good faith mediation.

Messrs. Mortati and Silverman did not agree with our position.

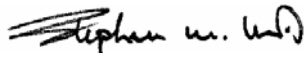
We have been advised that this Court's request for judicial assistance by way of Letters Rogatory (dkt. # 42) were forwarded by the US State Department to Austria on December 5, 2008.

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I herewith request that mediation re-commence.

Respectfully,

A handwritten signature in black ink, appearing to read "Stephen M. Harnik".

Stephen M. Harnik (SH 9889)

SMH:sc

CC: Lewis R. Silverman, Esq.

Thomas J. Mortati, Esq.

Lucia Tully Chapman, Esq.

Eli Uncyck, Esq. – court appointed Mediator